

REMARKS

This amendment is submitted in response to the Final Office Action of October 31, 2007 and a telephone interview with the Examiners Donald Sparks and Thanh Duc Vo on November 20, 2007 and in conjunction with the PETITION TO WITHDRAW FINALITY UNDER 37 CFR 1.181.

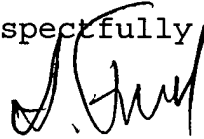
In the Amendment E submitted herein, the applicant presents a new set of claims considering new arguments presented by the Examiner Vo during the Interview of November 20, 2007, related to figure 2 and col. 5 lines 1-14 of Ban et al. (US patent 6,732, 221) describing a deterministic process, wherein "every" time when write operations reaches 1000, the wearing event occurs, specifically discouraging in col. 5, lines 54-58 more frequent use of memory wearing because of the overhead. The current set of claims submitted herein recites that this memory wearing event occurs "every" occurrence of the memory related event such as read/write operation and/or clock pulse, etc., which is different from the prior art of Ban et al. quoted by the Examiner.

The new claims presented herein are based on the terminology defined in the specification of the originally filed patent. If the new arguments (presented by the Examiner Vo during the Interview of November 20, 2007) were presented earlier during the prosecution, the Applicant would submit this amendment long time ago eliminating this long prosecution and now "irrelevant" dispute about the difference between the random and deterministic processes.

In light of the circumstances described in the PETITION TO WITHDRAW FINALITY UNDER 37 CFR 1.181, submitted herein, the applicant kindly requests to remove the

finality for the prosecution in the above case and evaluate submitted Amendment E on the merits. The objections and rejections presented in this case having been obviated by this Amendment E or shown to be inapplicable, withdrawal thereof is requested and passage of all claims to issue is solicited. Consideration and allowance are respectively requested.

Respectfully submitted,



Anatoly Frenkel  
Agent for the Applicant  
Registration No. 54,106

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
755 Main Street, P.O. Box 224  
Monroe, Connecticut 06468  
(203) 261-1234